

# **State of Oklahoma**

## **CITIZEN PARTICIPATION PLAN**

### **State Consolidated Plan FY 2024 – FY 2028**

**2024 Annual Action Plan Update**

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## Purpose

The Consolidated Plan is a U.S. Department of Housing and Urban Development (HUD) requirement that combines the planning and application process for the following HUD grants: the Community Development Block Grant (CDBG), the Emergency Solutions Grants Program (ESG), the HOME Investment Partnerships Program (HOME), Housing Opportunities for People with AIDS (HOPWA), the Housing Trust Fund (HTF) and any new funding that may become available.

In effect, the Consolidated Plan examines the current housing situation, explores the housing and community development needs of the state, and sets priorities for spending the HUD grant funds. Public comment is a vital component of exploring the state's housing and community development needs and setting spending priorities. The Consolidated Plan offers the opportunity for strategic statewide planning to occur alongside citizen participation.

HUD requires development of a Citizen Participation Plan that outlines policies and procedures of how the state intends to solicit citizen participation. The primary goal is to provide citizens, especially low- and moderate-income residents, an opportunity to participate in an advisory role in the planning, implementation, and assessment of the programs and projects. The following information is to outline and define the citizen participation process.

The agency contact for the Consolidated Plan and this Citizen Participation Plan is:

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## Citizen Participation

The State of Oklahoma constructs a thorough citizen participation plan that encourages citizens to participate in the development of the five-year consolidated plan and subsequent annual action plans. The State's citizen participation plan was developed in accordance with the requirements listed in 24 CFR §91.110 (Consultation; States) and 24 CFR Part §91.115 (Citizen Participation Plan for States). The plan provides citizens (including minorities, the disabled and non-English speaking persons), units of local government, and other interested parties a reasonable opportunity to comment on the plan.

## Citizen Participation Consultation

When preparing the Annual Action Plan updates to the Consolidated Plan, or the development of the Assessment of Fair Housing (AFH) consultation is made with public and private agencies that provide housing, health services and social services, including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, and homeless persons. Consultation is also made with state based and regionally based organizations that represent protected class members and organizations that enforce fair housing laws.

This process shall also encourage the participation of local, regional, and statewide institutions including Continuum of Care, businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations.

The Annual Action Plan update to the Consolidated Plan, or the Assessment of Fair Housing (AFH) will be available for public review at the Oklahoma Department of Commerce website ([okcommerce.gov](http://okcommerce.gov)) and copies will be available by direct internet download or email per request. Announcements are also sent through the New Pioneer, which serves as ODOC's Community Development newsletter. This newsletter reaches 600 communities, 77 Counties, Community Action Agencies, Public Housing Authorities, Council of Governments, and other state agencies. The New Pioneer newsletter directly emailed to approximately 6,500 email addresses. Additionally, CDBG and ESG program announcements are released through GovDelivery and Continuum of Care Networks.

## Public Notification

Public meetings will be held prior to drafting the Annual Action Plan update to the Consolidated Plan and Assessment of Fair Housing (AFH) to gather input regarding proposed changes. The meetings will be held in person and online to accommodate interested parties. In-person meetings will be geographically centralized and handicap accessible within the Oklahoma City metropolitan area. Oklahoma City serves the geographic center of the State. Notifications for the Annual Action Plan update to the Consolidated Plan and Assessment of Fair Housing (AFH) Public Input Session and Public Hearing, will be posted to the Oklahoma Department of Commerce website ([okcommerce.gov](http://okcommerce.gov)) at least thirty (30) days prior to the scheduled event.

Once drafted and before adoption, the proposed Annual Action Plan update to the Consolidated Plan and Assessment of Fair Housing (AFH) will be made available to interested parties for a comment period of at least thirty (30) days. A public hearing will be conducted before the 30-day comment period to gather comments on the proposed plan. Citizens will be notified of the proposed plan's availability via Oklahoma Department of Commerce website ([okcommerce.gov](http://okcommerce.gov)). Announcements are also sent through the New Pioneer and Gov Delivery.

The proposed Annual Action Plan update to the Consolidated Plan and Assessment of Fair Housing (AFH) will be available on the Oklahoma Department of Commerce's website at ([okcommerce.gov](http://okcommerce.gov)) for the full public comment period. Copies of the proposed plan will also be available from ODOC during the public comment period if lack of internet and/or printing service is not available.

Comments from individuals or groups received in writing or at the public meetings will be considered. A summary of the written public comments and will be included in the final Annual Action Plan update to the Consolidated Plan Assessment of Fair Housing (AFH) as applicable.

### **Citizen Participation – Consolidated Plan and Annual Action Plan**

The Consolidated Plan is designed to be a collaborative process whereby the State establishes a unified vision for community development actions. It offers the State the opportunity to shape the various housing and community development programs into effective, coordinated community development strategies. The vision outlines the state's overall policies and objectives for housing and community development throughout the state. It also creates the opportunity for strategic planning and citizen participation to take place in a comprehensive context, and to reduce duplication of effort at the state level and serves as a management tool that helps the state, local governments, and citizens assess performance and track results.

Before the State adopts the consolidated plan, citizens, public agencies and other interested parties are given access to information about the programs involved in the plan, including the amount of assistance the State expects to receive and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low-to-moderate income, plans to minimize displacement of persons, and to assist any persons displaced.

For the public meeting on the Annual Action Plan update to the Consolidated Plan, the State will make available to the public, residents, public agencies and other interested parties:

1. The amount of HUD assistance expected to be received by program;
2. The range of activities that can be undertaken including the estimated amount that will benefit persons of low and moderate income;
3. Plans to minimize displacement of persons and assist any persons displaced (as applicable);
4. Opportunity to identify and discuss barriers to affordable housing and impediments to fair housing choice;

5. An anticipated time schedule for receiving public comments and submission of the Annual Action Plan update to the Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD); and
6. The State's Citizen Participation Plan.

**FY 2024 – FY 2028 Consolidated Plan (2024 Annual Update) Cycle:**

HUD provided the following waiver in regard to the COVID-19 pandemic. HUD recognizes that efforts to contain COVID-19 require limiting public gatherings, such as those often used to obtain citizen views and respond to proposals and questions. Therefore, HUD waives provisions found at 24 CFR 91.105(e)(1) and (2), 24 CFR 91.115(b)(3)(i), 24 CFR 91.401, and 24 CFR 570.431, 570.441, and 570.486 (a)(5) to the extent necessary to establish the following alternative requirement:

*For as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, CDBG, ESG, HOME, HTF, and HOPWA grantees, units of general local government receiving CDBG funds from state, or insular area CDBG grantees, may hold virtual hearings in lieu of in-person public hearings to fulfill public hearing requirements imposed by 42 USC 12707(a)(3) and the regulations at 24 CFR part 91 and 24 CFR part 570, or by the grantee's citizen participation plan for the preparation of FY 2021 Consolidated Plans, Action Plans and any substantial amendments thereto or to prior year plans.*

*For each virtual hearing, a grantee shall provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses. Therefore, grantees may use online platforms to hold virtual hearings that provide public access to questions and responses and provide timely responses from local officials.*

*Additionally, grantees must take appropriate actions to encourage the participation of all residents, including the elderly, minorities, persons with limited English proficiency, as well as persons with disabilities, consistent with the jurisdiction's citizen participation plan. Grantees may use online platforms such as Zoom, Slack, Facebook Live, Google Meet, and Microsoft Teams to hold virtual hearings that facilitate public access to all questions and responses and provide timely responses from local officials, so long as such platforms ensure equal access and opportunity for all residents to participate in the process. Grantees should be aware of the difference in functionality with respect to the various types of technology available in order to ensure that any online hearings comply with fair housing and civil rights requirements. For example, Zoom may have functionality that provides greater accessibility compared to other platforms. Grantees should also consider other practices and protocols that expand upon the procedures set forth in the citizen participation plan, which may be necessary to ensure access to the citizen participation process. Such practices include the preparation and distribution of accessible and appropriate language versions of any prepared materials in advance of a virtual*

hearing.

**August 25, 2023:**

Notice of Formal Public Input and Public Hearing Sessions released and posted on the Oklahoma Department of Commerce website at [okcommerce.gov](http://okcommerce.gov)

**September 25, 2023:**

Draft of the proposed Annual Action Plan update to the Consolidated Plan posted online for public review at [okcommerce.gov](http://okcommerce.gov).

**September 28, 2023, 10 A.M.:**

Formal Public Input Session: (CDBG, ESG, HOME, HTF, & HOPWA programs)

Meeting Link: <https://okcommerce.zoomgov.com/j/1609524713>

Meeting ID: 161 403 6357

**November 1, 2023, 10 A.M.:**

Formal Public Hearing: (CDBG, ESG, HOME, HTF, & HOPWA programs)

Meeting Link: <https://okcommerce.zoomgov.com/j/1614036357>

Meeting ID: 161 403 6357

**November 1, 2023 – December 1, 2023:**

Consolidated Plan Written Public Comment Period.

Public involvement in the development of the Consolidated Plan include: Private Citizens, Various Community Action Agencies (CAA's); various sub-state planning districts/Councils of Governments (COG's); various public housing authorities and emergency shelters; various state agencies; and others.

**Citizen Participation - Consolidated Annual Performance Evaluation Report (CAPER)**

The Consolidated Annual Performance Evaluation Report (CAPER) is used by grantees to report on accomplishments and progress towards Consolidated Plan goals. Before the CAPER is submitted to HUD, the report will be made available to interested parties for a comment period of no less than fifteen (15) days. This comment period will begin (15) days prior to the CAPER's submission date to HUD. Notice of the CAPER's availability will be posted online at the Oklahoma Department of Commerce's website ([okcommerce.gov](http://okcommerce.gov)) no later than the day the CAPER's comment period begins.

During the public comment period, the CAPER will be available for public review at the Oklahoma Department of Commerce website ([okcommerce.gov](http://okcommerce.gov)) and copies will be available by direct internet download or email per request.

Comments will be considered from individuals or groups received in writing. A summary of the written comments will be included in the final CAPER.

## Citizen Participation – Assessment of Fair Housing (AFH)

For the public meeting on the Assessment of Fair Housing (AFH), the State will make available to the general public and interested parties:

1. Any HUD-provided data and other supplemental information the State plans to incorporate into the AFH;
2. The proposed strategies and actions for affirmatively furthering fair housing;
3. A summary of the AFH describing the content; and
4. During the public comment period, the AFH will be available for public review at the Oklahoma Department of Commerce website ([okcommerce.gov](http://okcommerce.gov)) and copies will be available by direct internet download or email per request.

## Public Comment

The State will receive comments on the proposed Citizen Participation Plan during a thirty (30) day comment period. In the event that there are substantial amendments to this Citizen Participation Plan, an additional comment period of at least fifteen (15) days will be allotted. This proposed Citizen Participation Plan (and, if necessary, the substantially amended Citizen Participation Plan) will be made available to the public before the fifteen (15) day comment period begins. As applicable, the fore-mentioned comment period standards will remain in place unless otherwise specifically altered by regulation in the Federal Register Notice such as in the case of a HUD new program.

Upon request, the Citizen Participation Plan will be made available in a format accessible to persons with disabilities and/or special needs. The State will make reasonable accommodations in order to facilitate persons with disabilities and/or special needs.

The State will consider any comments or views received in writing or expressed orally at the public meeting in preparing the proposed Annual Action Plan update to the Consolidated Plan or the proposed Assessment of Fair Housing (AFH). Upon receiving a comment, the State will provide a timely, substantive written response addressing the comment within fifteen (15) working days. Depending on the nature of the comment and depth of the issue, an extended response time may be required by the State in order to obtain the required regulatory guidance or obtain the appropriate level of HUD staff assistance. Should an extended response time be required, the State will notify the individuals or entities making the comment of the following:

1. The comment has been received by the State;
2. The comment is of a nature that cannot be reasonably responded to within fifteen (15) working days.
3. Provide an appropriate staff contact name, telephone number, and email address in order that the progress on the response/solution can be monitored or additional inquiries can be made as applicable.

The following is a compilation of all comments received as a result of the Public Hearing and the public comment period, which spanned from November 1, 2023, through December 1, 2023. The comments received and their respective responses are grouped by topic and are followed by the response of the agency (either the Oklahoma Department of Commerce or the Oklahoma Housing Finance Agency).

## **Community Development Block Grant Program Public Comment/s**

### **Oklahoma Housing Finance Agency Comment/s**

## **Amendment Criteria**

Per 24 CFR §91.505, the following criteria will constitute either a Substantial Amendment or Non- Substantial Amendment to the Annual Action Plan update to the Consolidated Plan, or Assessment of Fair Housing (AFH) as applicable:

### **Substantial Amendment Criteria**

- a) A change in the allocation priorities or a change in the method of distribution of federal funds that was not previously discussed in the plan.
  1. A change in the application process for Units of General Local Governments, non-profits, and other eligible entities.
  2. A change in selection criteria.
  3. A change in an allocation amount exceeding ten (10) percent within any individual program component of the Consolidated Plan (CDBG, ESG, HOME, HTF, and HOPWA).
  4. An addition or deletion of a funding priority as defined in the Consolidated Plan.

- b) The addition of a funding category not previously described in the plan, using funds from any federal program covered in the plan.
- c) A material change in circumstances affecting the information on which the AFH is based, to the extent that the analysis the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual circumstances.

### Non-Substantial Amendment Criteria

- a) A change in the purpose, scope, location, or beneficiaries of an individual sub- recipient activity funded by any federal program covered in the plan.
- b) CDBG Program: Re-Use Funds – Under the State’s CDBG Program, the definition of re-use is the funds available from cancellation of projects; from projects completed under budget; from funds designated but not expended; the Community Development loan repayment program income or from funds allocated by this Plan in a set-aside but not utilized. As the State cannot predict in advance the source, amount, or timing of available re-use funds, the State reserves the right to determine, based upon need, timing, and amount of funds available for re-use, the most appropriate utilization of these funds. This includes but is not limited to other set-asides or federally declared disaster areas. All re-use funds must be used for CDBG eligible activities and must comply with applicable State and Federal rules and regulations.

Based upon the above re-use statement, funds utilized for any CDBG set-aside will be utilized in conformance with the guidelines established in the State CDBG Action Plan.

### Consideration of Public Comment on Amended Plans

Per 24 CFR §91.505, in some instances, minor changes and updates warrant non-substantive amendments to the Annual Action Plan update to the Consolidated Plan and Assessment of Fair Housing (AFH). ODOC/CD reserves the right to make non-substantive changes to the Annual Action Plan update to the Consolidated Plan and Assessment of Fair Housing (AFH) without opening a public comment period. As defined in 24 CFR Part §91.505, the State may submit a copy of each amendment to HUD as it occurs, or at the end of the program year.

In the event of a Substantial Amendment to the Annual Action Plan update to the Consolidated Plan or Assessment of Fair Housing (AFH), the proposed amended plan will be made available to interested parties for a comment period of no less than thirty (30) days unless otherwise required by regulation such as contained in the Federal Register. The notice of the public comment will be available for viewing on the Oklahoma Department of Commerce's website ([okcommerce.gov](http://okcommerce.gov)) no later than one (1) day prior to the beginning of the amended plan’s comment period.

The amended Plans will be available for viewing and electronic download on Oklahoma Department of Commerce's website ([okcommerce.gov](http://okcommerce.gov)) during the public comment period.

Comments on the amended Annual Action Plan update to the Consolidated Plan or Assessment of Fair Housing (AFH) by individuals or groups received in writing or at public meetings will be considered. A summary of the public comments received will be included in the final amended plans or Assessment of Fair Housing (AFH) as applicable.

## Requirements for Local Governments Receiving CDBG Funds

Per 24 CFR §91.115(e), States are required to ensure that Units of General Local Governments (UGLGs) fully understand how Citizen Participation requirements will be met. Recipients of CDBG funds must comply with the Citizen Participation Plan requirements as found in 24 CFR §570.486. All applicants and recipients of grant funds shall be required to conduct all aspects of the program in an open manner with access to records on the proposed and actual use of funds for all interested persons. All records of applications and grants must be kept at the recipient's offices and be available during normal business hours. Any activity of the Grantee regarding the CDBG project, with the exception of confidential matters relating to housing and economic development programs, shall be open to examination by all citizens.

Citizens shall be provided adequate and timely information, so as to enable them to be meaningfully involved in important decisions at the various stages of the program, including at least:

- a. the determination of needs;
  - b. the review of the proposed activities; and
  - c. the review of past program performance, in the following manner:
1. At least two public hearings shall be scheduled at times and locations felt to be most likely to make it possible for the majority of interested persons to attend without undue inconvenience, addressing the three items above. At least one hearing must be held to address items (a.) and (b.) above prior to the submission of the application for housing and/or non-housing needs. Item (c.) must be addressed in a public hearing to review performance of the recipient in a previous program and must occur prior to closeout of any loan or grant for which performance evaluation has not occurred in a previous hearing.
2. Notification of any and all hearings shall be given a minimum of seven (7) working days in advance to allow citizens the opportunity to schedule their attendance. Notifications can be made in the form of notices placed in the local newspaper with the greatest distribution or may be conducted by posting notices where most practical for general public viewing. If notifications are posted, they must be posted in a minimum of three (3) public places. Additionally, notices may be posted via the internet by the participating Unit of General

Local Government provided the website is available for public access. All hearings must be accessible to handicapped persons. Provisions for interpretation shall be made at all public hearings for non-English speaking residents if such residents are expected to be in attendance.

The chief elected official's office shall receive and relate to appropriate persons or groups any views or proposals submitted to aforesaid office within the following decision-making time. Any comment submitted in writing at any time should be answered in writing within fifteen (15) working days by the chief elected official's office. If the complaint is not resolved, it shall be referred to the governing body for final disposition.

## Technical Assistance

The State will make available technical assistance as applicable to eligible citizens, local governments, nonprofit organizations, community groups, Community Housing Development Organizations (CHDOs), and any other organization developing proposals per written request.

The State will provide the Consolidated Plan and/or Annual Action Plan update, as adopted, substantial amendments, and the performance reports to the public, including materials in a form accessible to persons with disabilities, upon request. These documents are made available to the public electronically at ([okcommerce.gov](http://okcommerce.gov)). In addition, to accommodate those with disabilities, a text telephone/teletypewriter (TTY) service is provided as an option. The communications assistant reads aloud the message typed to the other party and types the other party's voiced message and background sounds. This service is designed for people who are Deaf, Hard of Hearing or have a Speech Disability. This relay service is available in English-to-English (800-722-0353) and Spanish-to-Spanish (800-662-4955). Further directions on using this service can be found at: <https://hamiltonrelay.com/oklahoma/index.html>. These services can also be provided in the form of braille and audio tape upon request.

## Access to Public Records

Per 24 CFR §91.115(g), citizens, public agencies and other interested parties will be provided access to information and records relating to the Consolidated Plan, the Annual Action Plan, Assessment of Fair Housing (AFH), and any other uses of assistance under the programs covered in the plan. In accordance with 24 CFR §570.490, the public will be provided reasonable access to housing assistance records, subject to state and local laws regarding privacy and obligations of confidentiality. The State is subject to the Oklahoma Open Records Act (51 O.S. § 24A). A formal Open Records Request for inquiries relating to public record access will be required in accordance with the Oklahoma Open Records Act (51 O.S. § 24A).

## 24 CFR §570.490 Recordkeeping requirements

### **(a) State records.**

- 1) The State shall establish and maintain such records as may be necessary to facilitate review and audit by HUD of the State's administration of CDBG funds under §570.493. The content of records maintained by the State shall be as jointly agreed upon by HUD and the States and sufficient to enable HUD to make the determinations described at §570.493. For fair housing and equal opportunity purposes, and as applicable, such records shall include documentation related to the State's AFH, as described in 24 CFR part 5, subpart A (§5.168). The records shall also permit audit of the States in accordance with 2 CFR 200, subpart F.
- 2) The state shall keep records to document its funding decisions reached under the method of distribution described in 24 CFR 91.320(j)(1), including all the criteria used to select applications from local governments for funding and the relative importance of the criteria (if applicable), regardless of the organizational level at which final funding decisions are made, so that they can be reviewed by HUD, the Inspector General, the Government Accountability Office, and citizens pursuant to the requirements of §570.490(c).
- 3) Integrated Disbursement and Information System (IDIS). The state shall make entries into IDIS in a form prescribed by HUD to accurately capture the state's accomplishment and funding data, including program income, for each program year. It is recommended that the state enter IDIS data on a quarterly basis and it is required to be entered annually.

### **(b) Unit of general local government's record.**

- 1) The State shall establish recordkeeping requirements for units of general local government receiving CDBG funds that are sufficient to facilitate reviews and audits of such units of general local government under §570.492 and §570.493. For fair housing and equal opportunity purposes, and as applicable, such records shall include documentation related to the State's AFH as described in 24 CFR part 5, subpart A (§5.168).

### **(c) Access to records.**

- 1) Representatives of HUD, the Inspector General, and the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, or property pertaining to the administration, receipt and use of CDBG funds and necessary to facilitate such reviews and audits.
- 2) The State shall provide citizens with reasonable access to records regarding the past use of CDBG funds and ensure that units of general local government provide citizens with

reasonable access to records regarding the past use of CDBG funds consistent with State or local requirements concerning the privacy of personal records.

**(d) Record retention.**

- 1) Records of the State and units of general local government, including supporting documentation, shall be retained for the greater of three years from closeout of the grant to the state, or the period required by other applicable laws and regulations as described in §570.487 and §570.488.

## Public Complaints

Per 24 CFR §91.115(h), to comply with the requirements regarding public complaints, the State has designated an appropriate and practicable procedure to handle complaints from citizens related to the consolidated plan, amendments, and performance reports. This procedure is as follows:

- 1) Upon receiving a complaint, the State will provide a timely, substantive written response to written citizen complaints within a fifteen (15) working day period. Depending on the nature of the complaint and depth of the issue, an extended response time may be required by the State in order to obtain the required regulatory guidance or obtain the appropriate level of HUD staff assistance. Should an extended response time be required, the State will notify the individuals or entities making the complaint of the following:
  - a) The complaint has been received by the State;
  - b) The complaint is of a nature that cannot be reasonably responded to within the fifteen (15) working day period.
- 2) Provide an appropriate staff contact name, telephone number, and email address in order that the progress on the response/solution can be monitored or additional inquiries can be made as applicable.

The State takes complaints very seriously and will require that complaints be submitted in a written format to ensure the best possible clarity regarding the nature of the complaint and the circumstances or issues involved.

## Language Access Plan – See Attachment A

## DRAFT LANGUAGE ACCESS PLAN FOR THE CONSOLIDATED PLAN



*No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.*

- 42 U.S.C. § 2000d

English	Chinese	Spanish	Vietnamese
If you need an interpreter, please call 405-946-1624.	如果您需要口譯員，請致電 405-946-1624	Si necesita un intérprete, llame al 405-946-1624.	Nếu bạn cần thông dịch viên, vui lòng gọi 405-946-1624.

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# **1 Introduction**

## **1.1 Purpose**

The Oklahoma Department of Commerce Community Development division (ODOC/CD) is responsible for developing and administering over a dozen federally funded programs. These programs benefit the lives of thousands of Oklahomans annually, but not everyone is aware of the programs or how to access them. For Limited English Proficient (LEP) populations, accessing the programs and services many are eligible for is a challenge because of linguistic barriers.

Due to the many LEP individuals in Oklahoma, ODOC/CD developed this Language Access Plan (LAP) to ensure equitable access to federally funded programs for all linguistic groups within the state in compliance with Title VI of the Civil Rights Act and Executive Order 13166. Title VI requires that recipients of federal funds, such as ODOC/CD and its subrecipients, take reasonable steps to ensure equal access to federally funded programs, projects, and activities. The term reasonable steps are defined as:

- Complete a Four Factor Analysis (Section 2);
- Develop a Language Access Plan (Section 3); and
- Engage in targeted outreach to LEP populations (Section 3).

This LAP directs the level of language assistance measures that ODOC and its subrecipients will provide to ensure that all Oklahomans, regardless of their level of English proficiency, can access and benefit from the diverse range of federally funded programs and projects that improve the quality of life for Oklahomans.

## **1.2 Requirements Summary**

Based on the Four Factor Analysis (section 2), ODOC and its subrecipients will translate vital documents for federally funded programs, projects, and activities that occur in Market Areas (section 2.1.2) that exceed the Safe Harbor thresholds (Table 2).

## **1.3 Document Structure**

The LAP is divided into two major components. Section 2 is the Four Factor Analysis which analyzes the LEP needs in Oklahoma using ACS and ODOC/CD generated data. Based on this analysis, ODOC/CD determined the level of language assistance that it and its subrecipients will provide in Section 3. Finally, Section 4 contains resources for accessing ODOC/CD's data.

## **1.4 Updates**

The LAP consists of multiple sections that require periodic updates. These updates are important because it ensures the efficacy of the LAP for ODOC/CD, its subrecipients, and, more importantly, the limited English proficient citizens of Oklahoma.

*Table 1: LAP update frequency*

Component	Required Update
Factor 1	March 30th every 5 years
Factor 2	March 30th every year
Factor 3	March 30th every year
Factor 4	March 30th every year
Actions Based on the Four Factor Analysis	March 30th every year
Vital Documents	March 30th every year
Outreach to LEP individuals	March 30th every year

Factor 1 is updated every five years because the American Community Survey publishes incomplete data profiles for populations under 65,000<sup>1</sup>.

ODOC/CD is considering a future update to the LAP that will incorporate a rating tool to determine the level of language assistance that is required. This will assess project proposals spatially, compare against the census data, assess individual factors such as the frequency of LEP interaction and the importance of the program, and return a result on the level of language assistance that is required.

## **1.5 Limitations**

The level of language assistance that ODOC/CD and its subrecipients provide to LEP populations is determined by the Four Factor Analysis (section 2). The Four Factor Analysis is the US. Housing and Urban Development's (HUD) preferred method to assess the needs of LEP populations. While the tool aims for flexibility *and* objectivity<sup>2</sup>, the methodology has limitations that impact the level of language assistance that ODOC/CD and its subrecipients can provide.

Factor 1 in the analysis requires ODOC/CD to assess the number and proportion of LEP individuals to be served within its federally funded programs. To assess the number and proportion of LEP individuals, data can be obtained from either the decennial census or the American Community Survey. It is at this point that ODOC must choose between using the slightly more reliable, but older, data from the decennial census or the slightly less reliable, but newer, data from the American Community Survey. Neither dataset is intrinsically superior to the other, but the choice of one over the other does affect the level of language assistance that ODOC and its subrecipients can provide because the number and proportion of LEP individuals differs between the two datasets.

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<sup>1</sup> See: [https://www.census.gov/content/dam/Census/library/publications/2020/acs/acs\\_geography\\_handbook\\_2020\\_ch01.pdf](https://www.census.gov/content/dam/Census/library/publications/2020/acs/acs_geography_handbook_2020_ch01.pdf)

<sup>2</sup> 72 FR 2733-2734: "This standard [Four Factor Analysis] is intended to be both flexible and fact-dependent and also to balance the need to ensure meaningful access by LEP persons to critical services while not imposing undue financial burdens on small businesses, small local governments, or small nonprofit organizations."

ODOC/CD chose to use the American Community Survey for Factor 1 in this LAP because of the preference for newer data and because of the 2020 decennial census undercounts<sup>3</sup>. The drawback to this decision is that the ACS is a sample of the population, which introduces uncertainty around the actual number and proportion of LEP individuals at every level of census geography. This uncertainty makes it challenging for ODOC/CD to decide which documents to translate, especially when estimates are near the safe harbor threshold (Table 2) or in census geographies with a large margin of error.

In previous versions of the LAP, ODOC/CD suppressed the margin of error when reporting LEP estimates. Beginning with this version onward, the margin of error is included alongside estimates. Due to spatial limitations, complete tables for counties and census tracts are not included in this LAP. ODOC will share complete tables and GIS files with subrecipients during the application phase. Subgrantees must consider the margin of error alongside the estimates, and, when in doubt, err on the side of caution and translate vital documents when the estimate and the upper band of the MOE equals or exceeds 1,000 LEP individuals.

An additional challenge to addressing Factor 1 is the available data itself. The ACS does not capture all the possible languages spoken in Oklahoma, especially when the number of speakers is small because there is the possibility of identifying specific individuals. For this reason, the ACS groups together as a single entity based on linguistic or geographic characteristics. “Other European Languages”, “Other Asian Languages, and “Other Native American Languages” are language groups that are not included in the decision process to provide language assistance since, obviously enough, it is unknown which specific language ODOC/CD or its subgrantees is dealing with.

Overall, the Four Factor Analysis is a balancing act between the four elements that comprise the foundation of the level of language assistance that ODOC/CD and its subgrantees provide to Oklahomans accessing federally funded programs. ODOC/CD does not consider the four factors of the analysis in equal proportions. In fact, as discussed in more detail in Section 3 below, ODOC/CD places a higher importance on Factor 1 since it is the most objective factor for determining the need for language assistance.

## **1.6 Important Contacts**

### **1.6.1 Language Access Plan**

Comments, questions, or requests for technical assistance should be directed to Jade Shain, Programs Manager, by e-mail at [Jade.Shain@okcommerce.gov](mailto:Jade.Shain@okcommerce.gov).

### **1.6.2 Language Assistance**

Bilingual (English/Spanish) ODOC/CD staff are available by request with at least five (5) days of advance notice. Please contact Jade Shain ([Jade.Shain@okcommerce.gov](mailto:Jade.Shain@okcommerce.gov)) or Jessica Izquierdo ([Jessica.Izquierdo@okcommerce.gov](mailto:Jessica.Izquierdo@okcommerce.gov)) for assistance. For immediate assistance, contact Language Associates by calling 405-946-1624 or by visiting their website at <http://www.languageassociates.net/>.

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<sup>3</sup> See: <https://www.npr.org/2022/03/09/1085039010/2020-census-accuracy-data-quality-results>

## 2 Four Factor Analysis

The Four Factor Analysis is a tool that guides the level of language assistance offered by ODOC/CD and subrecipients, including the written translation of vital documents and oral interpretation, to beneficiaries of federally funded programs. This method is HUD's recommended tool for ensuring that grantees are meeting the requirements for language access and equal opportunity. This tool balances four factors: the number of LEP speakers, the frequency LEP individuals may encounter the program, the importance of the program, and the available resources of the grantee. This analysis can help identify the needs of LEP individuals in the State's programs that are federally funded.

### 2.1 Factor 1: Number or proportion of LEP individuals

The first factor in the Four Factor Analysis requires ODOC/CD to assess the number and proportion of LEP individuals in the State's population to be served by the agency's federally funded programs, projects, or activities. Using U.S. American Community Survey (ACS) data, ODOC/CD determined the number and proportion of LEP individuals across the state.

The Federal Register Notice from January 22, 2007<sup>4</sup> describes the "safe harbor" thresholds for written translation based on the number or proportion of LEP individuals in the eligible market area<sup>5</sup>. This information is summarized in Table 1 below. Safe harbor thresholds, as described in VI(B)(3) in the FRN published on January 22, 2007, describe how certain grantee activities would constitute a "safe harbor" against a HUD finding that the grantee had not made reasonable efforts to provide written language assistance.

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<sup>4</sup> Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 72 Fed. Reg. 2732 (Jan. 22, 2007).  
[https://www.lep.gov/sites/lep/files/resources/HUD\\_guidance\\_Jan07.pdf](https://www.lep.gov/sites/lep/files/resources/HUD_guidance_Jan07.pdf)

<sup>5</sup> As Table 2 in this document demonstrates, recipients of federal funds are required to assess the number and proportion of LEP individuals within the "market area". From 72 FR 2740: "One factor in determining what language services recipients should provide is the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number or proportion of these LEP persons, the more likely language services are needed. Ordinarily, persons "eligible to be served, or likely to be directly affected, by" a recipient's program or activity are those who are served or encountered in the eligible service population. This population will be program-specific and includes persons who are in the geographic area that have been approved by HUD as the recipient's jurisdiction or service area."

*Table 2: Safe Harbor Thresholds*

<b>Size of Language Group</b>	<b>Recommended Provision of Written Language Assistance</b>
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

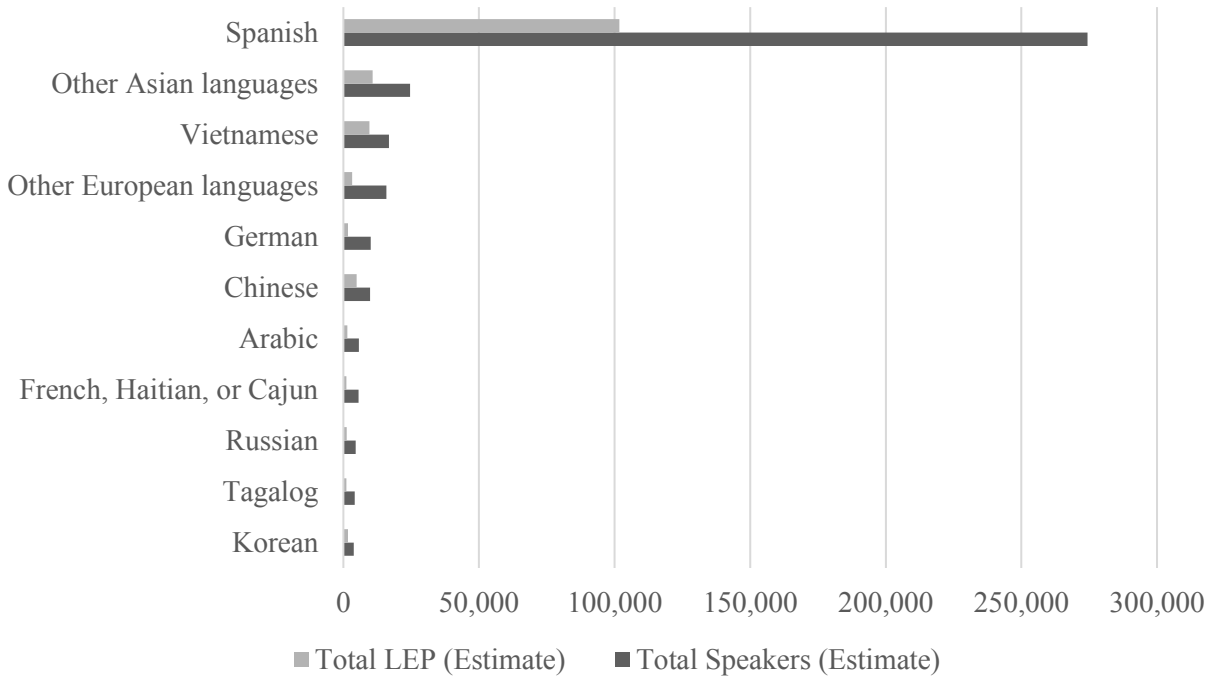
According to HUD’s guidance, safe harbor thresholds apply to the translation of documents and do not apply for oral interpretation. ODOC/CD and its subrecipients will always provide oral interpretation no matter how few LEP individuals there are in the eligible market area. The term “market area” is project, activity, or program specific. When there is a greater number or proportion of LEP individuals in a market area, the need for translation of vital documents becomes greater. More information about determining the market area is found in section 2.1.2.

In Oklahoma, Spanish is the most prominent language spoken after English. For every sixteen Spanish speakers, there is one Vietnamese speaker in the State. The majority of LEP speakers in the state are Spanish speakers. The census groups some languages based on similar characteristics and geographies, often when the population of language speakers is small (e.g., “Other European Languages”).

Table 3: Statewide number of LEP speakers by language group

Language	Total Speakers (Estimate)	MOE	Total LEP (Estimate)	MOE	Percentage LEP (Estimate)
All languages	3,695,207	2,839	N/A	N/A	N/A
English only	3,298,124	23,481	N/A	N/A	N/A
Spanish	274,323	17,674	101,751	11,933	37%
Other Asian languages	24,594	6,228	10,831	3,595	44%
Vietnamese	16,752	4,412	9,585	3,326	57%
Other European languages	15,803	5,503	3,272	2,316	21%
German	10,116	4,905	1,660	1,812	16%
Chinese	9,806	3,934	4,844	2,847	49%
Arabic	5,656	3,085	1,461	1,931	26%
French, Haitian, or Cajun	5,548	2,991	1,091	1,779	20%
Russian	4,568	3,144	1,220	1,877	27%
Tagalog	4,190	2,754	1,117	1,583	27%
Korean	3,795	2,583	1,726	1,795	45%

Figure 1: Statewide number of LEP speakers by language group



As Table 3 and Figure 1 demonstrate, Spanish is the most predominant language in Oklahoma besides English. Additionally, Spanish speakers are the greatest number and proportion of LEP speakers compared to any other language. Besides Spanish, “Other Asian languages” are the next most spoken linguistic group in Oklahoma. It is important to note that Oklahoma also has large numbers of Vietnamese and Chinese speakers (16,752 and 9,806 respectively), and both populations have a considerable proportion of speakers who are LEP (57% and 49% respectively).

### **2.1.1 LEP in 77 Counties**

While statewide data provides a useful picture of the predominate languages in the state for ODOC/CD’s HUD funded programs, understanding LEP populations at the county level is more valuable for the agencies carrying out the program. In most circumstances, the State acts as a pass-through agency, and the grants are awarded to county or municipal governments.

As highlighted in section 1.5, the ACS is a survey of a portion of the population, meaning each estimate for the number of language speakers and LEP speakers within each linguistic group has a margin of error. This margin of error indicates the range, with a 90% certainty, on where the true value lies. Small estimates and a high margin of error can indicate that there is less confidence in the reported values. This LAP considers the margin of error when evaluating Factor 1. Due to table size limitations in this LAP, it is not appropriate to include county estimates and MOE (67 pages), or census tract estimates and MOE (147 pages). ODOC will provide this information to each subrecipient during the application phase in .csv and .shp file formats. *ODOC/CD strongly encourages subrecipients to consider the margin of error especially when the estimate is close to exceeding the safe harbor threshold* (Table 2). Ideally, the subrecipient should err on the side of caution in such scenarios and translate vital documents.

The ACS does not provide granular data on some language groups to protect the identity of individuals within small language groups. For a county-by-county analysis of language groups, certain language groups have been aggregated. The largest impact of this aggregation for this analysis is that Native North American languages are grouped into a category labeled “Other and unspecified languages,” which includes native languages from around the world, and comprises at least 877 languages. This limits the ability for ODOC/CD to conduct a useful analysis of Native American LEP speakers at the county level. Because of the large numbers of language groups included in the aggregate categories, and the impossibility of determining the true number or the proportion of LEP individuals within specific languages, such language groups have been excluded from the county level language analysis.

#### **2.1.1.1 Counties**

There are 23 counties that exceed the safe harbor threshold number and or threshold of Spanish LEP individuals, 4 counties that exceed the number of Vietnamese LEP individuals, and 3 counties that exceed the number of Chinese LEP individuals (Table 4).

*Table 4: Counties that Exceed or Equal 1,000 LEP Individuals*

<b>Safe Harbor Threshold</b>	<b>Spanish LEP Estimates</b>	<b>Vietnamese LEP Estimates</b>	<b>Chinese LEP Estimates</b>
1,000 or more in the eligible population in the market area or among current beneficiaries.	Jackson (733 ± 238) Marshall (887 ± 128) McClain (896 ± 186) Caddo (1062 ± 167) Le Flore (1118 ± 149) Wagoner (1227 ± 161) Comanche (1495 ± 294) Custer (1413 ± 406) Garfield (1821 ± 434) Canadian (2310 ± 469) Texas (3466 ± 481) Cleveland (4166 ± 634) Tulsa (24919 ± 885) Oklahoma (39054 ± 1846)	Canadian (1129 ± 374) Tulsa (1832 ± 339) Cleveland (1853 ± 370) Oklahoma (3736 ± 515)	Payne (820 ± 353) Cleveland (950 ± 336) Oklahoma (1193 ± 347)
More than 5% of the eligible population or beneficiaries and more than 50 in number	Beaver (9.58%) Blaine (5.60%) Custer (5.30%) Harper (9.73%) Love (5.54%) Marshall (6.15%) Oklahoma (5.32%) Texas (17.59%) Tillman (7.94%)	No counties	No counties

If a subrecipient proposes a federally funded program, project, or activity that crosses multiple counties, the estimates and the upper band of the MOE should be summed when evaluating Factor 1.

### 2.1.1.2 Census Tracts

Spanish is the only language where there are census tracts that equal or exceed 1,000 LEP individuals. There are no census tracts that equal or exceed 1,000 Vietnamese or Chinese LEP individuals.

*Table 5: Census Tracts that Exceed or Equal 1,000 Spanish LEP Individuals*

GEOID	Census Tract	Spanish LEP Estimates
40143001400	Census Tract 14, Tulsa County, Oklahoma	806 ± 222
40143000400	Census Tract 4, Tulsa County, Oklahoma	828 ± 225
40039950800	Census Tract 9508, Custer County, Oklahoma	745 ± 312
40109106914	Census Tract 1069.14, Oklahoma County, Oklahoma	807 ± 318
40109104500	Census Tract 1045, Oklahoma County, Oklahoma	956 ± 199
40109105600	Census Tract 1056, Oklahoma County, Oklahoma	829 ± 336
40109104900	Census Tract 1049, Oklahoma County, Oklahoma	827 ± 340
40109106917	Census Tract 1069.17, Oklahoma County, Oklahoma	748 ± 439
40143001600	Census Tract 16, Tulsa County, Oklahoma	1004 ± 246
40143007306	Census Tract 73.06, Tulsa County, Oklahoma	1068 ± 233
40109103900	Census Tract 1039, Oklahoma County, Oklahoma	1010 ± 427
40109107001	Census Tract 1070.01, Oklahoma County, Oklahoma	1171 ± 339
40109106916	Census Tract 1069.16, Oklahoma County, Oklahoma	1012 ± 571
40143009006	Census Tract 90.06, Tulsa County, Oklahoma	1329 ± 347
40109106303	Census Tract 1063.03, Oklahoma County, Oklahoma	871 ± 814
40109104400	Census Tract 1044, Oklahoma County, Oklahoma	1282 ± 506
40139950800	Census Tract 9508, Texas County, Oklahoma	1564 ± 451

If a subrecipient proposes a federally funded program, project, or activity that crosses multiple census tracts, the estimates and the upper band of the MOE should be summed when evaluating Factor 1.

### 2.1.1.3 Block Groups that Exceed or Equal 1,000 LEP Individuals

Block groups have not been fully analyzed by ODOC at this time. This data will be made available in a future update to the LAP.

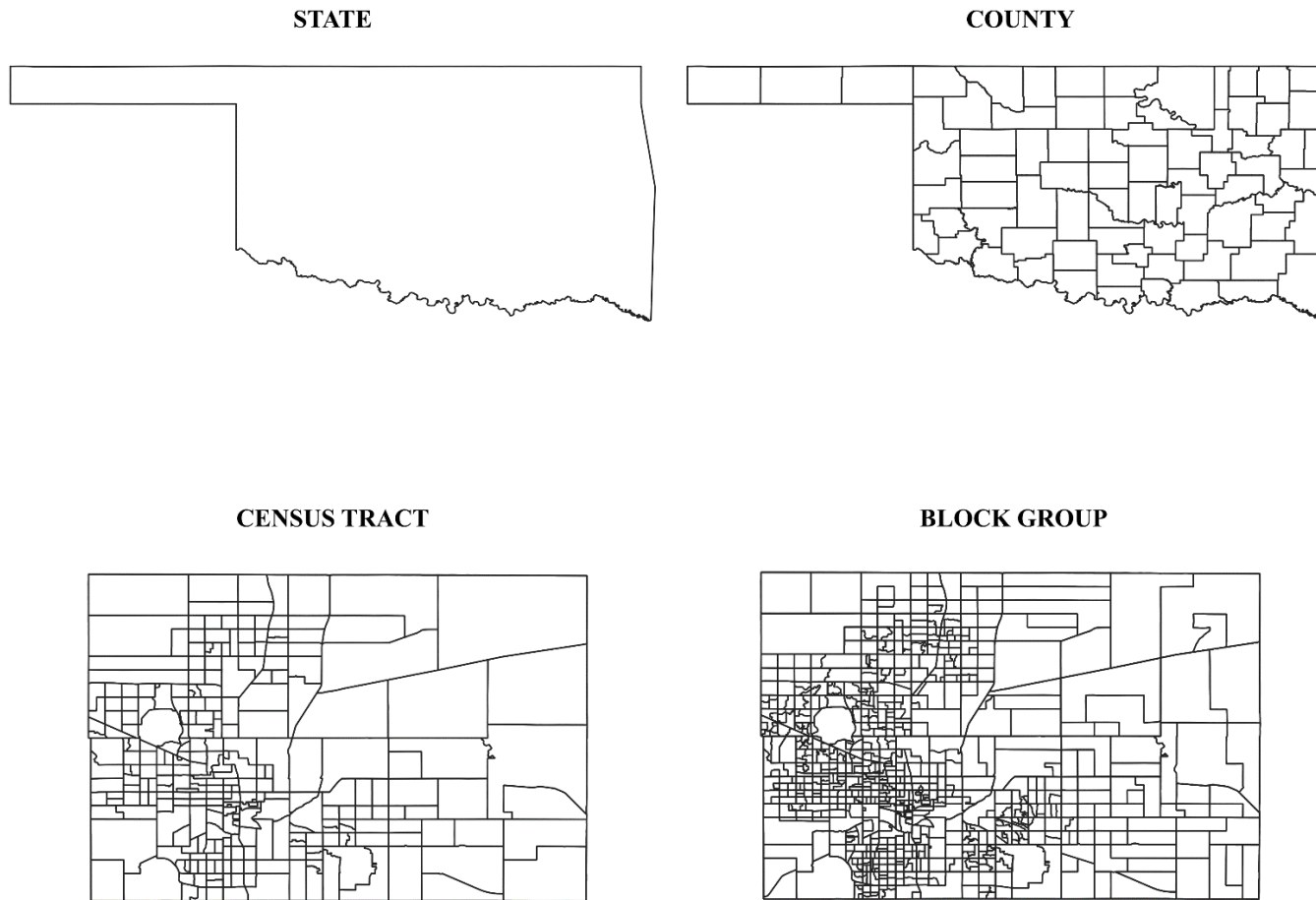
## 2.1.2 Market Area

The market area refers to the specific geographical region where a federally funded program, project, or activity will occur (2740 FRN from January 22, 2007<sup>6</sup>). At the time of application, ODOC's subrecipients are required to describe the location of their program, project, or activity. To assess a proposal's market area, and therefore gain an understanding of the number

<sup>6</sup> 72 FR 2736: "According to the table, HUD would expect translations of vital documents to be provided when the eligible LEP population in the market area or the current beneficiaries exceeds 1,000 persons or if it exceeds 5 percent of the eligible population or beneficiaries along with more than 50 persons."

or proportion of LEP speakers, ODOC staff utilizes four market area categories that are derived from census data. These categories are: (1) State; (2) County; (3) Census Tracts; and (4) Block Groups, as illustrated in Figure 2 below.

*Figure 2: Market Area*



ODOC has numbers and proportions for Spanish, Vietnamese, and Chinese LEP individuals for the following three geographies:

- State
- County
- Census tract

Block groups have not been analyzed at the time of this publication. This data will be made available in a future update to the LAP. To obtain the state, county, and census tract data in either .csv or .shp file formats, please contact ODOC/CD.

### **2.1.3 Market Area Determination: County, Census Tract, and Block Group**

If the federally funded program, project, or activity is eligible to Oklahomans countywide, then the Market Area is defined as the County. In such cases, ACS LEP estimates, to include the upper band of the margin of error, are used to determine the number and proportion of LEP individuals.

If the federally funded program, project, or activity is eligible to Oklahomans at the census tract level, then the Market Area is defined as the census tract. In such cases, ACS LEP estimates, to include the upper band of the margin of error, are used to determine the number and proportion of LEP individuals.

If the federally funded program, project, or activity is eligible to Oklahomans at the block group level, then the Market Area is defined as the census tract. In such cases, ACS LEP estimates, to include the upper band of the margin of error, are used to determine the number and proportion of LEP individuals.

In cases where the federally program, project, or activity is at a smaller geography (e.g., census tract or block group), but where LEP data at that geographic level is absent, ODOC/CD will utilize the LEP estimates, to include the upper band of the margin of error, at the next highest available geography.

### **2.1.4 Factor 1 Summary**

- Spanish ranks as the second most prevalent language in Oklahoma. In 23 out of 77 counties, the Spanish LEP population surpasses the safe harbor thresholds. In these 23 counties, the LEP population either has over 1,000 individuals or more than 5% of the LEP speakers within the language group.
- Vietnamese is the third most common language in the state. This language group has a high proportion of LEP speakers (57%). 89% of the Vietnamese speaking population is concentrated in Canadian, Cleveland, Oklahoma, and Tulsa Counties.
- Native languages are the fourth most common language spoken in Oklahoma. This grouping includes Cherokee, Chickasaw, and Muskogee, among others. It does not have a high proportion of LEP speakers (14%) at the language group level. Data at the county level for this group is unavailable.
- Chinese is the fifth most common language in the state. This language group has a high proportion of LEP speakers (49%). Cleveland, Oklahoma, and Tulsa Counties represent 79% of the Chinese speaking population.

## 2.2 Factor 2: Frequency of LEP Interaction

The second factor in the Four Factor Analysis requires ODOC/CD to assess the frequency of interaction with LEP individuals across its diverse federally funded programs. ODOC/CD assessed the level of historic interaction with LEP individuals at the agency level in addition to the anticipated level of subrecipient interaction with LEP individuals. This information is summarized in Table 6 below. It is important to note that infrequent interactions with LEP individuals does not correlate to the need for language assistance in the first place. Lower interaction frequencies could be explained in part by the lack of materials and outreach to LEP populations to begin with.

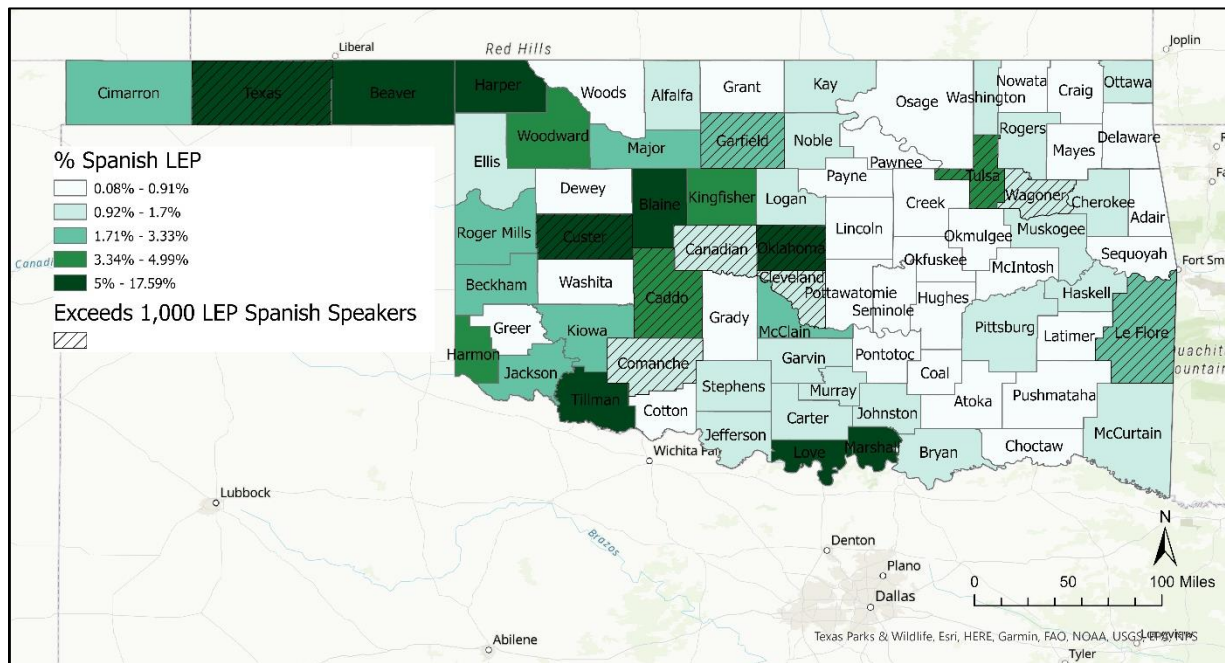
*Table 6: Anticipated LEP Interaction*

Program	Anticipated ODOC/CD Interaction with LEP	Anticipated Subrecipient Interaction with LEP
CDBG	Low	Low
CDBGDR	Low	High
CSBG	Low	High
SEP	Low	Low
BSEP	Low	Low
BWAP	Low	Medium
WAP	Low	Medium
LIHEAP	Low	High
IREC	Low	Low
PDP	Low	High
PREP	Low	Low
CAA	Low	High
CAAHS	Low	High
CENA	Low	Medium
ESG	Low	High
SS	Low	Low
REAP	Low	Low
CDBGCR	Low	Medium
ESGCR	Low	High
ARPA	Low	High

As a state agency, ODOC/CD rarely interacts directly with LEP individuals since the primary role of the agency is to develop, allocate funds, and oversee federally funded programs, projects, and activities. It is the agency's subrecipients, usually units of general local government, that encounter day-to-day interactions with LEP individuals.

Based on the analysis found in Factor 1, it is reasonable to assume that ODOC/CD's subrecipients (those entities directly responsible for working with beneficiaries) would have a greater probability of contact with LEP individuals. Overall, subrecipients are likely to encounter Spanish LEP individuals throughout the State of Oklahoma (Table 2 and Figure 3).

Figure 3: Percentage of LEP Spanish Speakers by County



ODOC’s subrecipients administer a diverse range of housing, infrastructure, planning, and social service programs across all 77 counties in Oklahoma. Consequently, the level of interaction with LEP individuals will vary depending on the specific program. Whereas Public Facilities and Improvements and Planning programs are anticipated to generate less interaction with LEP individuals, housing and social service programs are anticipated to produce a high level of interaction with LEP individuals.

### 2.2.1 Vietnamese LEP Populations in Tulsa County and Canadian County

Tulsa County and Canadian County are the only counties with Vietnamese LEP individuals that exceed the 1,000-person safe harbor thresholds at the *county geographical level*. It is important to precisely note where this population is to understand the likelihood of them encountering any one specific program that ODOC/CD administers. The proportion of Vietnamese LEP individuals does not exceed 5% of the eligible population in either county. Using the smallest geographical level available (census tract) for LEP, the Vietnamese LEP population was mapped out in both counties (Figure 4 and Figure 5).

Mapping the Vietnamese LEP population provides a better understanding about the location and likelihood of encountering LEP individuals (Figure 4, Figure 5). As the maps for Vietnamese LEP individuals demonstrate, there are no census tracts that meet the 1,000-person safe harbor thresholds. Three census tracts and one census tract exceed the 5% threshold for Vietnamese LEP individuals in Canadian County and Tulsa County, respectively (outlined in yellow).

Figure 4: LEP Vietnamese Persons in Canadian County

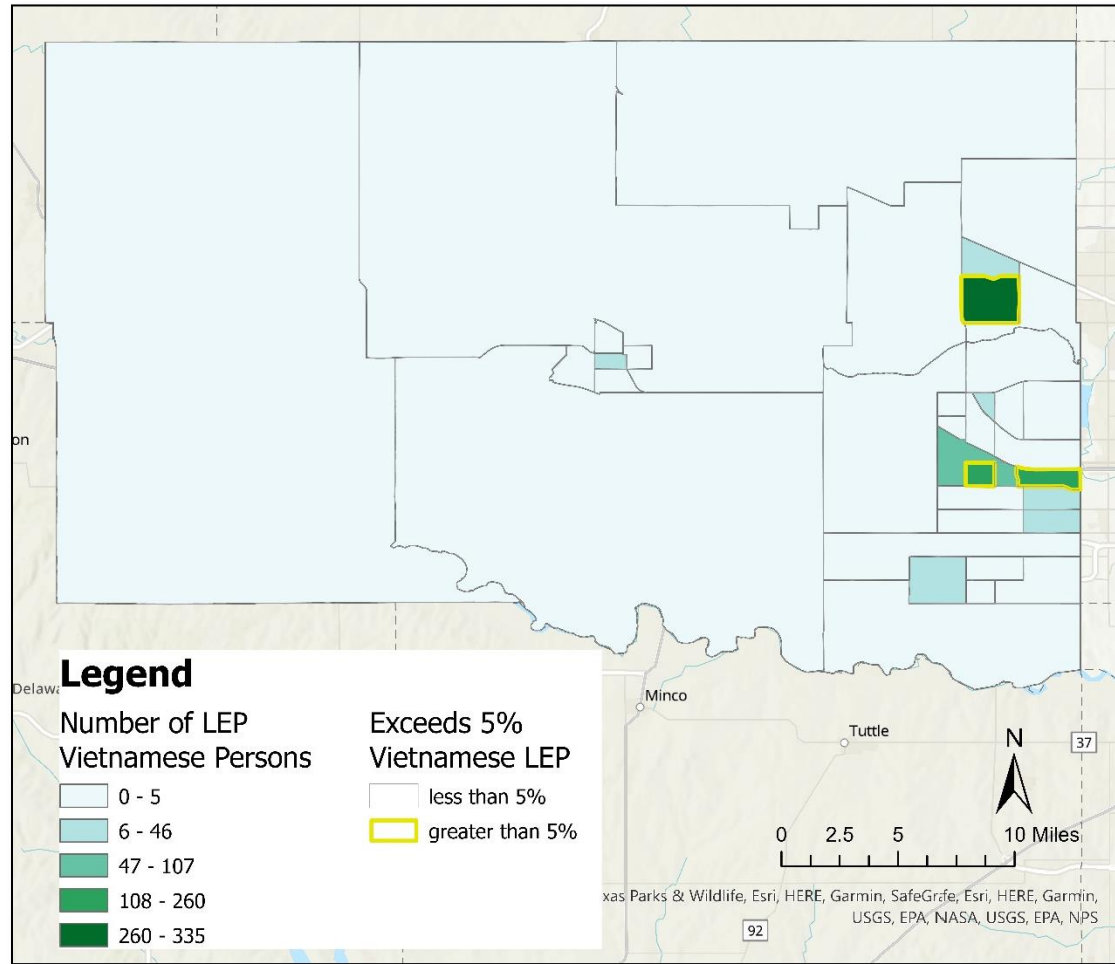
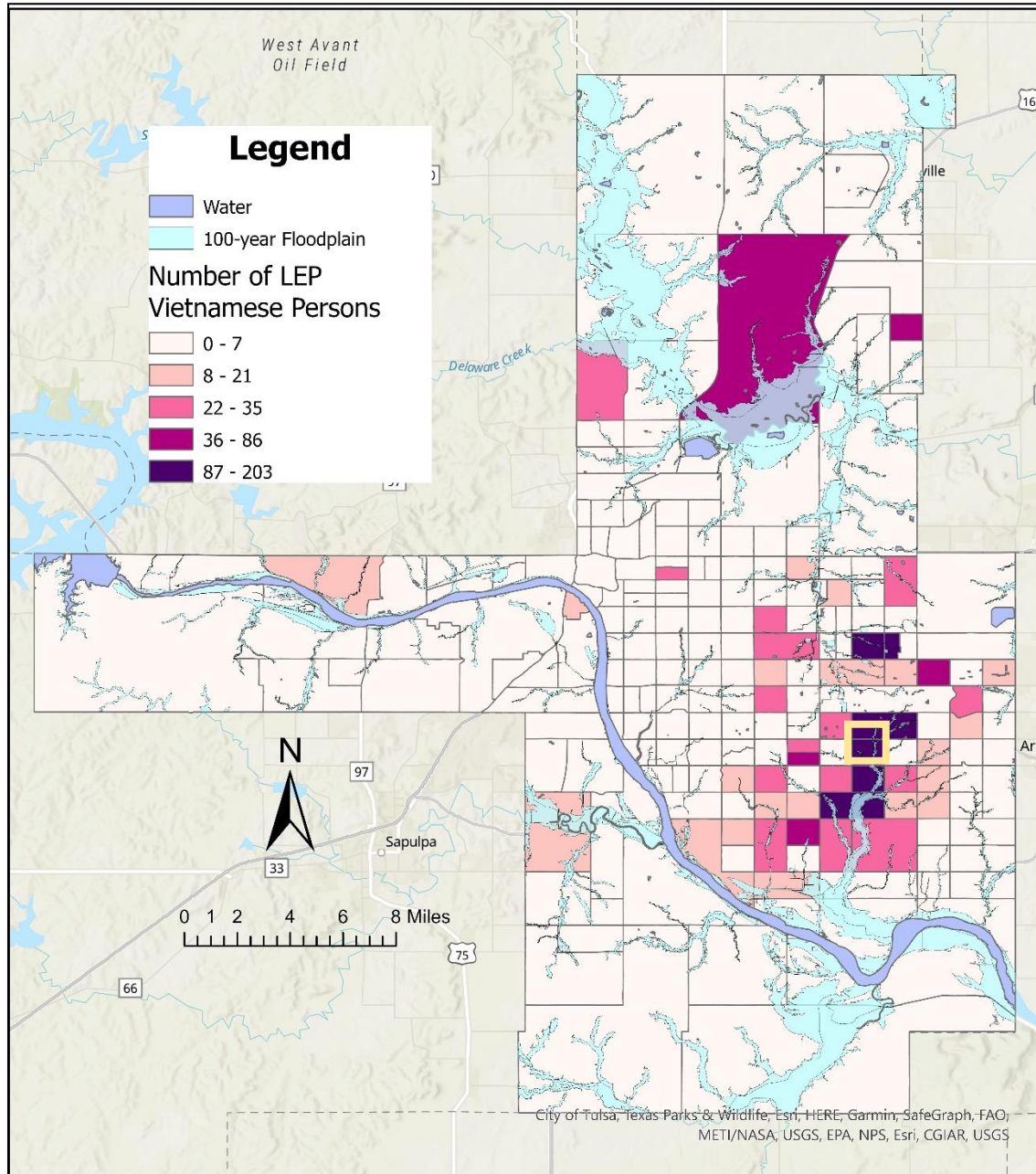


Figure 5: LEP Vietnamese Persons in Tulsa County by Census Tract



Data Source: U.S. Census Bureau. "C16001: Language Spoken at Home for the Population 5 Years and Over." 2017-2021 American Community Survey 5-Year Estimates. Retrieved from data.census.gov. Note: The census tract marked with a yellow square has a Vietnamese LEP population that exceeds 5% of the census tract's total population.

### 2.2.2 Factor 2 Summary

- ODOC/CD operates numerous programs in all 77 counties in Oklahoma. It is reasonable to expect that ODOC/CD's subrecipients will encounter Spanish speaking LEP individuals throughout the state.

- Individual level programs, such as housing rehabilitation or buyouts, are more likely to encounter LEP individuals. Public facilities and infrastructure programs serve area-wide populations are less likely to encounter LEP individuals.
- In a future update to the LAP, ODOC/CD will require subrecipients to provide annual updates to the level of interaction with LEP populations.

## **2.3 Factor 3: Importance of the service, information, program, and/or activity**

The third factor in the Four Factor Analysis requires ODOC/CD to assess the importance of its federally funded programs and activities.

ODOC/CD plays a crucial role in enhancing the lives of thousands of Oklahoma annually across all 77 counties in the state. Through a diverse range of federally funded programs, ODOC/CD improves housing, infrastructure, and social service programs. Annually representing over \$40M in investments benefiting 10K+ in direct beneficiaries, ODOC/CD provides vital programs and services that directly impact and improve the quality of life for Oklahomans.

### **2.3.1 ODOC/CD Administered Programs**

The following programs are federally funded and administered by ODOC/CD:

**CAA:** Anti-poverty funds for CAA's. Used like CSBG. Over the past five years, CAA has had \$345,193 in expenditures. The number of beneficiaries served in this program is totaled in the CAA program.

**CAAHS:** Funds for CAA's with or sponsoring a federally funded Head Start program. Used for program enhancement. Over the past five years, CAAHS has had \$1,727,331 in expenditures towards 11,531 beneficiaries.

**CDBG:** The Community Development Block Grant (CDBG) program enables rural Oklahoma communities to finance a variety of public infrastructure and economic improvements and helps promote job growth because of these improvements. Over the past five years, CDBG has had \$60,000,000 in expenditures towards 103,761 beneficiaries.

**CDBGCR:** The Community Development Block Grant Coronavirus Relief Program (CDBG-CV) grants are a flexible source of assistance for addressing the health and economic challenges brought on by the coronavirus pandemic. Over the past three years, CDBGCR has had \$3,448,623 in expenditures towards 11,075 beneficiaries.

**CDBGDR:** The Community Development Block Grant Disaster Recovery (CDBG-DR) program addresses long-term recovery efforts for housing and infrastructure damaged by natural disasters. Over the past five years, CDBG-DR has had \$90,000,000 in expenditures.

**CENA:** Over the past five years, CENA has \$9,364,030 in expenditures towards 113,340 beneficiaries.

**CSBG:** Federally funded anti-poverty program. Funds support Community Action Agencies. Over the past five years, CSBG has had \$ 8,649,837 in expenditures towards 67,992 beneficiaries.

**ESG:** The Emergency Solutions Grant program is a component of the State’s Continuum of Care system designed to alleviate homelessness in Oklahoma. ESG programs enable homeless individuals and families to move toward independent living by providing emergency housing, supportive services, and housing assistance. Over the past five years, ESG has had \$9,168,139.20 in expenditures towards 18,136 beneficiaries.

**ESGCR:** The CARES Act appropriated \$4 billion through the Emergency Solutions Grants (ESG) Program “to prevent, prepare for, and respond to coronavirus, among individuals and families who are homeless or receiving homeless assistance and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts created by coronavirus under the Emergency Solutions Grants program (42 U.S.C. 11371).” Over the last three years, ESGCR has had \$17,210,003.81 in expenditures towards 13,973 beneficiaries.

**LIHEAP:** ODOC partners with the Department of Human Services to provide Weatherization Assistance Program assists low-income households – particularly the elderly, people with disabilities, and families with children – in meeting their home energy needs. Over the last five years, LIHEAP has had \$1,499,239 in expenditures towards 648 beneficiaries.

**PDP:** Over the last three years, PDP has had \$2,979,907 in expenditures towards 6,027 beneficiaries.

**REAP:** Over the past five years, REAP has had \$61,049,875 in expenditures.

**WAP:** The U.S. Department of Energy (DOE) Weatherization Assistance Program (WAP) reduces energy costs for low-income households by increasing the energy efficiency of their homes, while ensuring their health and safety. Over the last five years, WAP has had \$2,070,007.27 in expenditures towards 7,760 beneficiaries.

### **2.3.2 Factor 3 Summary**

The number of federally funded programs that ODOC/CD administers clearly demonstrates the crucial role the agency has in shaping the lives of thousands of Oklahomans. With programs, projects, and activities in all 77 counties in the state, the positive impact on human lives and the built environment is profound. Since a large number of Oklahoman’s interact with these programs, it is expected that in a diverse and multicultural state such as Oklahoma that LEP populations will be encountered.

## **2.4 Factor 4: Resources, financial and human, available to the recipient**

Factor 4 requires ODOC/CD to assess the resources that are available to the agency and its subrecipients. ODOC/CD has a wide range of resources, both financial and staff, to provide language assistance to LEP individuals. ODOC/CD uses a portion of its administration funds towards translating vital documents and providing oral interpretation services. Additionally, ODOC/CD has two bilingual (English/Spanish) staff members available for LEP assistance<sup>7</sup>. Other forms of language assistance offered by ODOC/CD include:

1. ODOC/CD has hired a vendor, Language Associates<sup>8</sup>, capable of providing in-person, telephone, and video interpretation services in many different languages including but not limited to: *Spanish, Vietnamese, Mandarin Chinese, Amharic, Cantonese, Italian, Korean, Russian, Ukrainian, Japanese, Urdu, Hindi, Farsi, Bengali, Malayalam, Laotian, German, French, Polish, Taiwanese, Gujarati, Punjabi, Marathi, Arabic, Hebrew, Portuguese, Turkish, Serbo-Croatian, Dutch, Tamil, Kickapoo, Hungarian, Tagalog, and Czech.*
2. Written translation of vital documents (section 3.2) in the languages described above;
3. Notifications in program policies and procedures about the availability of other languages and requests for services; and
4. Website content translated into several different languages.

ODOC/CD's subrecipients have varied resources. Some have a part-time grant administrator. Others, being larger, employ several full-time staff. There is a limit to grant funds used for administrative tasks, including translation. ODOC/CD recognizes the limitations of many subrecipients.

#### **2.4.1 Factor 4 Summary**

ODOC/CD has the financial and human resources to provide meaningful access to all federally funded programs. Since ODOC/CD works with hundreds of different subrecipients annually, the level of assistance those entities can provide varies.

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<sup>7</sup> Bilingual (English/Spanish) ODOC/CD staff are available by request with at least five (5) days of advance notice. Please contact Jade Shain ([Jade.Shain@okcommerce.gov](mailto:Jade.Shain@okcommerce.gov)) or Jessica Izquierdo ([Jessica.Izquierdo@okcommerce.gov](mailto:Jessica.Izquierdo@okcommerce.gov)) for assistance. For immediate assistance, contact Language Associates by calling 405-946-1624 or by visiting their website at <http://www.languageassociates.net/>

<sup>8</sup> Language Associates is ODOC/CD's vendor for interpretation and translation services. They can be contacted at 405-946-1624 or by visiting their website at <http://www.languageassociates.net/>

# **3 Translation and Vital Document Requirements**

## **3.1 Availability of Language Assistance Services**

Of the Four Factors, Factor 1 carries the most weight and has the most influence on the level of language assistance ODOC/CD and its subrecipients will provide to LEP populations. There are two primary reasons why Factor 1 has a greater importance than the other three factors when determining the level of language assistance that will be provided.

First, a larger number of LEP individuals quantifiably demonstrates that there is a more substantial portion of the community that faces language barriers. Individuals with language barriers encounter challenges to learning about, accessing, and benefiting from federally funded programs, projects, or activities for which they are eligible. Lastly, HUD describes the “safe harbor” threshold (Table 2) and translation of vital documents as “strong evidence of compliance with Title VI obligations” (2753 FR 72). None of the other three factors are described by HUD in such a manner.

Though Factor 1 has the most influence on the level of language assistance provided, ODOC/CD acknowledges that Factor 4 plays a role in the availability of assistance as well. As such, when Factor 1 has lower LEP number or proportions, and the availability of staff or financial services is limited, ODOC/CD will translate vital documents as needed, as described in more detail in section 3.1.1 below.

Based on the Four Factor Analysis described in section 2, ODOC/CD has reached several conclusions that will enhance federally funded programs by providing meaningful, accurate, and timely access to the program for LEP individuals.

### **3.1.1 Translation**

ODOC/CD and its subrecipients will translate vital documents (section 3.2) into Spanish for federally funded programs, projects, and activities that occur in Market Areas (section 2.1.2) that exceed 1,000 LEP individuals (to include the upper band of the margin of error) or 5% LEP in that language group. The cost incurred by the State or its subrecipients to translate vital documents into Spanish is both reasonable and necessary.

Upon request, ODOC/CD and its subrecipients will translate vital documents into Vietnamese. The cost incurred by the State or its subrecipients to translate vital documents larger than 2 pages into Vietnamese is neither reasonable nor necessary. Therefore, ODOC/CD and its subrecipients will utilize oral translation and interpretation services, provided through Language Associates, to assist LEP Vietnamese speakers.

Upon request, ODOC/CD and its subrecipients will translate vital documents into Chinese. The cost incurred by the State or its subrecipients to translate vital documents larger than 2 pages into Chinese is neither reasonable nor necessary. Therefore, ODOC/CD and its subrecipients will utilize oral translation and interpretation services, provided through Language Associates, to assist LEP Chinese speakers.

### 3.1.1.1 Vital Document Tag

ODOC/CD and its subrecipients will insert the following message into all vital documents either on the title page or on the second page:

Table 7: Vital document tag

English	Chinese	Spanish	Vietnamese
If you need an interpreter, please call 405-946-1624.	如果您需要口譯員，請致電 405-946-1624	Si necesita un intérprete, llame al 405-946-1624.	Nếu bạn cần thông dịch viên, vui lòng gọi 405-946-1624.

### 3.1.1.2 Machine Translation

Machine translation is the process by which software automatically translates documents from one document into another. ODOC/CD and its subrecipients will not use machine translation to translate vital documents<sup>9</sup>.

### 3.1.2 Interpretation

ODOC/CD has a language vendor, Language Associates<sup>10</sup>, to provide interpretation services. Residents that need translation or interpretation services must call Language Associates and inform them that they need assistance with an ODOC/CD administered program.

Table 8: Interpretation Notice

English	Chinese	Spanish	Vietnamese
If you need an interpreter, please call 405-946-1624.	如果您需要口譯員，請致電 405-946-1624	Si necesita un intérprete, llame al 405-946-1624.	Nếu bạn cần thông dịch viên, vui lòng gọi 405-946-1624.

From there, Language Associates will be able to assist the resident with their needs, and ODOC/CD will receive the bill.

<sup>9</sup> <https://digital.gov/resources/introduction-to-translation-technology/>

<sup>10</sup> Language Associates can be contacted at 405-946-1624 or by visiting their website at <http://www.languageassociates.net/>

### **3.1.2.1 Public Engagement**

ODOC/CD will engage in the following outreach efforts for LEP individuals:

1. Every program website is available in multiple languages (French, German, Italian, Japanese, Spanish, and Vietnamese).
2. Vital documents are translated as described in this Language Access Plan.
3. ODOC/CD provides oral interpretation via bilingual staff<sup>11</sup>.
4. Interpretation vendor to assist LEP individuals.
5. As appropriate, ODOC will publish brochures, flyers, announcements, and notices on ODOC's website.

ODOCs subrecipients will engage in the following outreach efforts to LEP individuals:

1. Vital documents are translated as described in this Language Access Plan.
2. As appropriate, the subrecipient will publish translated brochures, flyers, announcements, and notices on subrecipients website and social media.

## **3.2 Vital Documents**

HUD defines a vital document as follows: “[...] any document that is critical for ensuring meaningful access to the recipients’ major activities and programs by beneficiaries generally and LEP individuals specifically. Whether or not a document (or the information it solicits) is “vital” may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner. For instance, applications for auxiliary activities, such as certain recreational programs in public housing, would not generally be considered a vital document, whereas applications for housing would be considered vital. However, if the major purpose for funding the recipient were its recreational program, documents related to those programs would be considered vital. Where appropriate, recipients are encouraged to create a plan for consistently determining, over time and across its various activities, what documents are “vital” to the meaningful access of the LEP populations they serve.” Federal Register Notice Vol. 72, No. 13. January 22, 2007<sup>12</sup>.

A document may be considered a vital document if there is a consequence to the LEP individual if they do not receive timely and accurate information about a program or their rights about the program. For example, documents that relate to eligibility, notices of rights, denial, loss,

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<sup>11</sup> Bilingual (English/Spanish) ODOC/CD staff are available by request with at least five (5) days of advance notice. Please contact Jade Shain ([Jade.Shain@okcommerce.gov](mailto:Jade.Shain@okcommerce.gov)) or Jessica Izquierdo ([Jessica.Izquierdo@okcommerce.gov](mailto:Jessica.Izquierdo@okcommerce.gov)) for assistance. For immediate assistance, contact Language Associates by calling 405-946-1624 or by visiting their website at <http://www.languageassociates.net/>

<sup>12</sup> See: [https://www.lep.gov/sites/lep/files/resources/HUD\\_guidance\\_Jan07.pdf](https://www.lep.gov/sites/lep/files/resources/HUD_guidance_Jan07.pdf)

or decreases in benefits of services, or documents related to a Public Hearing for the federal programs, can be vital documents.

### **3.2.1 Vital Documents**

Using the federal definition of vital document as a guide, every document type across ODOC's federally funded programs was assessed. Table 9 describes documents that ODOC/CD considers to be vital documents and what languages, if any, documents need to be translated. ODOC/CD and its subrecipients will translate vital documents for programs, projects, or activities that occur in eligible market areas that exceed the safe harbor threshold (Table 2) as shown below:

Table 9 Vital Documents

Document	Required to Translate	Chinese	Spanish	Vietnamese	Justification
Beneficiary applications	ODOC/CD and subrecipients	●	●	●	Determines beneficiary eligibility
Beneficiary letters	ODOC/CD and subrecipients	●	●	●	Describes approvals, denials, and rights
State Action Plan ◇	ODOC/CD	◐	◐	◐	Primary audience municipalities
CDBG-DR Action Plan ◇	ODOC/CD	◐	●	◐	Primary audience beneficiaries
State Substantial Amendments ◇	ODOC/CD	◐	◐	◐	Primary audience municipalities
CDBG-DR Substantial Amendments ◇	ODOC/CD	◐	●	◐	Primary audience beneficiaries
Public Notice	ODOC/CD and subrecipients	●	●	●	Program transparency and public comment
Program flyers	ODOC/CD and subrecipients	◐	●	◐	Primary audience beneficiaries
Miscellaneous Notices					
Flood Insurance Notices *	Subrecipients	●	●	●	Federal requirement
Floodplain Notices **	Subrecipients	●	●	●	Federal requirement
Relocation Notices ***	Subrecipients	●	●	●	Federal requirement
Other **	Subrecipients	●	●	●	Federal requirement

- Translations available by default when the program, project, or activity is in an eligible market area that exceeds safe harbor thresholds (see Table 2).
- ◐

Translations available upon request. ODOC/CD and its subrecipients may utilize interpreters and/or the translation of documents only to the extent necessary to assist an LEP individual.
- ◇

Due to the intended audience of these documents, ODOC/CD has differentiated the translation requirements for the main CDBG and CDBG-DR Action Plans and associated Substantial Amendments. For CDBG, translations are available upon request and only to the extent necessary to assist an LEP individual. For CDBG-DR, Action Plans and Substantial Amendments are translated into Spanish by default.
- \*

Subgrantees who administer rehabilitation programs are required to notify property owners in writing that they are to maintain flood insurance for their property if the property owners wish to have their home repaired and remain in the 100-year floodplain.
- \*\*

For activities located in a 100-yr/500-yr floodplain or wetland, the RE must determine if an 8-step process is required. If so, the RE must complete the steps that include an "Early Notice and Public Review of a Proposed activity in a 100-yr/500-yr Floodplain or Wetland" and a "Final Notice and Public Explanation of a Proposed Activity in a 100-yr/500-yr floodplain or wetland".
- \*\*\*

Relocation Notices refer to the "General Information Notice" (this informs households in the project area that they may potentially be displaced, the "Notice of Eligibility" (describes the relocation assistance available for households that will be displaced by the project), and the "90 Day Relocation Notice" (informs the household of the earliest date by which they will be required to move).
- \*\*

May potentially include, but is not limited to, Notice of Intent.

### **3.2.2 Vital Document Review Team**

HUD recommends that recipients regularly review their planning documents to establish whether those documents are vital documents<sup>13</sup>. For this reason, ODOC/CD established the “Vital Document Review Team” (VDRT) to review potential vital documents as new documents are created and existing documents are modified. Sometime during the month of March, the VDRT will meet to discuss and vote on which documents are considered “vital documents”. The procedures are described below:

1. The Vital Document Review Team (VDRT) is comprised of five ODOC staff members tasked with reviewing and voting on whether documents are considered “vital documents”.
2. At least sixty (60) days before the March VDRT meeting, the Program Planner for each federally funded project will forward all new or modified program documentation to the VDRT. The VDRT will review the documentation before the meeting.
3. On the day of the March meeting, the VDRT will vote on each document on whether it is or is not a vital document. The VDRT will report back to each Program Planner whether documents submitted for review are considered vital documents.
4. Vital documents will be translated per the requirements described in this Language Access Plan (section 3.2.1 Vital Documents).

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<sup>13</sup> FR 72 2744: “Where appropriate, recipients are encouraged to create a plan for consistently determining, over time and across its various activities, what documents are “vital” to the meaningful access of the LEP populations they serve.”

# 4 Appendix

## 4.1 Census Data

ODOC/CD uses R<sup>14</sup> statistical computing software and the tidycensus package<sup>15</sup> to process and visualize ACS data. Upon request, ODOC/CD will provide interested parties the code to reproduce the data provided in this LAP.

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<sup>14</sup> See: <https://www.r-project.org/>

<sup>15</sup> See: <https://walker-data.com/tidycensus/>